

### Remarks

As an initial matter, Applicants thank the Examiner for pointing out an inadvertent error in the Listing of Claims submitted on August 28, 2008. In particular, the Examiner points out that claim 153 was listed as both “currently amended” and “canceled” in the August 28, 2008 listing of claims. Applicants intended to list claim 153 as “currently amended,” and did not intend to list claim 153 as “canceled,” in the August 28, 2008 response. The current listing of claims has been corrected to indicate the proper status of claim 153.

In the present Restriction Requirement, the Examiner is requiring Applicants to make a species election of one of the specific promoters recited in claims 24-31, 36, and 37 for initiation of the Examiner’s search. Applicants respectfully elect RNA polymerase III promoters for initiation of the Examiner’s search. Claims 24-31, 36, and 37 encompass the elected species.

Applicants understand that this election is not made in response to a *restriction requirement*, but is instead a *species election*. Applicants understand that species elections are used for *initiation* of the Examiner’s search, and that once the elected species is found to be allowable, the Examiner will extend the scope of the search and examination to non-elected species. Applicants respectfully request that the Examiner confirm that Applicants’ understanding is correct.

Applicants’ thank the Examiner for careful consideration of this case. Examiner is invited to telephone the undersigned if there is any question about Applicants’ position or if a conversation is otherwise warranted. Please charge any necessary fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

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